

November 20, 2017

BY ECF

The Honorable James L. Cott
United States Magistrate Judge
500 Pearl Street, Room 1360
United States Courthouse
New York, NY 10007

Re: Bouveng v. NYG Capital LLC, 14-cv-05474-PGG

Dear Judge Cott:

We represent Defendants NYG Capital LLC d/b/a New York Global Group ("NYGG"), FNL Media LLC, and Benjamin Wey in the above-captioned action in connection with the Court ordered settlement conference and submit this letter pursuant to the Court's November 13, 2017 Order to Show Cause to Plaintiff [Dkt. 355] and specifically in response to the Court's invitation to make a submission in connection therewith.

Defendants believe that save for one factual item detailed below, the factual record is sufficient for the Court, in its discretion, to decide the issue of potential sanctions raised in the November 13 Order. Defendants write for two discrete purposes: 1) to provide more detail regarding one factual assertion in Plaintiff's responsive papers; and 2) to provide the Court with the details on Defendants' legal fees associated with preparing for and attending the aborted settlement conference should the Court decide that sanctions are appropriate.

In their submissions, Plaintiff's counsel creates the impression that I, as Defendants' counsel for the settlement conference, told Plaintiff's counsel on November 10, 2017 that Defendants' goal for the settlement conference was to settle the breach of contract claim rather than to achieve a global settlement of all claims. [Dkt. 358 ¶ 11; Dkt. 359 ¶ 11; see Dkt. 360 ¶ 4 (Plaintiff's reference to not wishing to settle piecemeal)]. Rather, I discussed with Plaintiff's counsel both the possibility of a global settlement *and* of a partial settlement asserting that achieving either would be a positive outcome of a settlement conference.

As to the costs of preparing for and attending the settlement conference: 1) Defendants' fees for preparing for the settlement conference (largely drafting and editing the required mediation statement) consist of the time costs for Julie Singer (associate billed at the rate of

\$385/hour) of \$4,812.25 and the time costs for Glenn Colton (partner billed at the discounted rate of \$500) of \$2,650 for a total in fees for preparation of \$7,462.50; and 2) Defendants' time costs for attending the aborted settlement conference are the time costs for Glenn Colton of \$1,250 (2.5 hours including travel time to and from the courthouse of one hour). Thus, the total time cost to Defendants of the aborted settlement conference was \$8,712.50.

Of course, if the Court requires any additional information from us, we would be happy to provide it expeditiously.

Respectfully submitted,



Glenn C. Colton
Partner